THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 12940 of 1998

DATED: 18.04.2007

Between:

Abdul Muzahid petitioner

And

The Chief Security Commissioner,
South Central Railway, Rail Nilayam,
Secunderabad and another

Respondents

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 12940 of 1998

ORDER:

Aggrieved by the action of the respondents in not selecting him to the post of Constable in Railway Protection Force in South Central Railway, as per the notification, dated 20.11.1996, the petitioner filed the present writ petition.

The petitioner states that pursuant to the notification dated 20.11.1996, issued by the respondents for filling up the posts of Constables (Men) in the executive branch of the Railway Protection Force in the South Central Railway, he applied for the same and fared well in all the tests and interview conducted by the respondents. The case of the petitioner is that even though he fared well in all the tests and interview conducted by the respondents, he was not selected. He submits that in the matter of selection, the respondents committed certain procedural irregularities, and they have also not followed the rule of reservation. Hence, the petitioner prays for appropriate directions.

The respondents filed counter-affidavit denying the allegations made by the petitioner in the writ petition *inter alia* stating that there are only nine posts of Constables in OBC category. The petitioner, who belongs to OBC category, secured 47 marks in all the tests, while the last selected candidate in the OBC category, secured 48 marks. Since the petitioner secured less marks than the selected candidates, his name did not find place in the selection list. It is further stated that rule

of reservation was strictly followed and there are no procedural irregularities in the selection process.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner except contending that the respondents in the matter of making selections to the posts of Constables committed grave irregularities, has not placed any material to substantiate such an allegation. On the other hand, it is the case of the respondents, which is evident from the counter filed by them, that the last selected candidate in the category of OBC secured 48 marks, and while the petitioner, who secured 47 marks was not selected. Since the petitioner secured less marks than the last selected candidate in the OBC category, no exception can be taken to the action of the respondents in not selecting the petitioner.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V.RAMANA, J.

Date:18.04.2007
CCM/nsr